



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street
San Francisco, CA 94105-3901

Mail Code: W-6-3
August 22, 1995

Charles Jencks
Director,
Department of Public Works
and Waste Management
200 South High Street
Wailuku, Hawaii 96793

Re: Appeal of Lahaina Wastewater Reclamation Facility UIC Permit

Dear Mr. Jencks:

EPA appreciated the opportunity to speak with you and your staff on August 1 concerning settlement of the County's appeal of the UIC permit issued by EPA Region 9 to the Lahaina Wastewater Reclamation Facility. This letter is to follow-up on your request to have EPA Region 9's settlement position in writing.

As my staff indicated in the recent conference call, we are interested in pursuing a settlement that would have the following terms:

1. Deletion of the requirement in the UIC Permit that the County install four monitoring wells.
2. Addition of a condition in the Permit that would create an "action level" for nitrate in the injectate. Specifically, we propose that the following clause be added to the permit:

When any two consecutive samples of wastewater injected into the injection wells or any three samples out of ten consecutive samples indicate that concentrations of nitrate have exceeded 2.5 mg/liter, then the permittee shall complete an evaluation of the cause of this excess nitrate concentration. The permittee shall then prepare and submit a report to EPA within forty-five days of the date of the relevant sampling event explaining the findings of the permittee's evaluation.

When any three consecutive samples of wastewater injected into the injection wells or any four samples out of ten consecutive samples indicate that concentrations of nitrate have exceeded 2.5 mg/liter, then the permittee shall complete an

evaluation of the remedial measures needed to reduce excess nitrate concentrations. The permittee shall then prepare and submit a report to EPA within forty-five days of the date of the relevant sampling event containing recommendations, and a time schedule for implementing these recommendations, for reducing nitrate concentrations in injected wastewater. Upon EPA approval of these recommendations, the permittee shall implement them.

3. Addition of a requirement to monitor nitrate levels in injected wastewater weekly. Sampling shall be a grab sample taken between 9:00 am and 3:00 pm in accordance with State Department of Health sampling requirements.
4. Modification of the existing flow requirement in the Permit to create, in effect, a binding obligation to institute a certain level of wastewater recycling. Specifically, we propose that the following be substituted for the current provisions in the UIC Permit concerning flow restrictions:

Flow Restrictions

Disposal of wastewater into the injection wells shall adhere to the following flow rate restrictions.

The weekly average injection flow rate shall not exceed 6.7 MGD (based on an existing plant average dry weather flow for any calendar week). The daily maximum injection flow rate shall not exceed 10.05 MGD.

On March 15, 1996, the flow information for the preceding year will be assessed and a weekly average injection flow rate will be established based on the actual average injection flow rate of the preceding year. This will be an interim flow limit. The final flow limit shall be the actual weekly average injection flow rate minus 1 MGD.

Compliance Schedule

The interim flow rate shall become effective immediately upon its establishment (probably in April 1996). The final flow rate shall become effective on March 15, 1997.

We offer this settlement position in a spirit of compromise and invite your comment and discussion of these points. As my staff indicated in our conference call, we are willing to entertain alternative proposals from the County. We look forward to continued productive discussions on this matter. You may contact Water Management Division staff member Shannon FitzGerald at (415) 744-1830 for clarification of any points in this letter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Doris Betuel".

Doris Betuel, Chief
Source Water Protection Section

cc: Tom Arizumi, DOH